

Exhibit C

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. 01 CR 567-2
)
FRANK RODRIGUEZ,) Chicago, Illinois
) May 1, 2002
Defendant.) 2:00 o'clock p.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES F. HOLDERMAN

APPEARANCES:

For the Plaintiff: HON. PATRICK J. FITZGERALD
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1 (Proceedings in open court.)

2 THE CLERK: 01 CR 567, United States versus Rodriguez.

3 MR. NIEWOEHNER: Good afternoon, your Honor.

4 Chris Niewoehner on behalf of the government.

5 THE COURT: Good afternoon.

6 MR. VILLALOBOS: Good afternoon, Judge.

7 Attorney Villalobos on behalf of Mr. Frank Rodriguez,
8 who's also present.

9 THE COURT: Good afternoon.

10 Good afternoon, Mr. Rodriguez.

11 THE DEFENDANT: Good afternoon, your Honor.

12 THE COURT: Mr. Rodriguez, have you had a chance to
13 review the discovery materials that the government photocopied
14 and provided?

15 THE DEFENDANT: Your Honor, a few pages, 'cause there's
16 more stuff than what I anticipated it to be.

17 THE COURT: So you need more time to review it?

18 THE DEFENDANT: I was asking at least a couple more
19 days or so. I mean, there's more stuff than what I was given
20 before, the whole actual case of what, you know, I'm being
21 charged with, so --

22 THE COURT: Okay. All right. Well, you just let me
23 know what you want to do, but I'm afraid that if you don't make
24 a determination by --

25 THE CLERK: It's already passed, it's already gone.

1 THE COURT: The day has already come and gone.

2 MR. NIEWOEHNER: The day is gone, your Honor, and I was
3 willing again today, because of the circumstances, to let it go,
4 but at this point, I need to -- I can't wait, and I have to
5 start preparing, so --

6 THE COURT: Okay. All right. Well, the additional
7 point that would have been available to you is no longer
8 available to you.

9 We set this date for your making a determination, and
10 it seems to me that you haven't had a chance to review it.

11 Let me just ask government counsel, were you able to
12 provide the information as promptly as you had said you would?

13 MR. NIEWOEHNER: Your Honor, I delivered a package to
14 the marshals at about 12:00 or 12:15 yesterday which -- with the
15 materials I represented to the Court I would provide.

16 THE COURT: Okay. And you got the materials around
17 12:15, 12:30, somewhere in there?

18 THE DEFENDANT: Well, I got them late in the evening,
19 about 5:00 o'clock, 5:30, because of the Hanhardt trial that's
20 going on, we didn't leave the building till late yesterday.

21 THE COURT: I'm sorry?

22 THE DEFENDANT: Because of the Hanhardt trial that's
23 going on right now in the building, we didn't leave till late in
24 the evening yesterday back to the MCC.

25 THE COURT: All right. Let me just consult with the

1 marshal for a second.

2 (Court conferring with marshal.)

3 MR. NIEWOEHNER: Your Honor, in light of the
4 circumstances, you know, I would wait one more day. If your
5 Honor is able to go tomorrow, I will hold off, you know --

6 THE COURT: Okay.

7 MR. NIEWOEHNER: -- I'd be willing to, because he
8 didn't get it till 5:00, but I think that would have to be my
9 final --

10 THE COURT: I would like to order the United States
11 Marshals' Service to provide Mr. Rodriguez a suitable facility
12 for him to review the documents that have previously been
13 provided.

14 Mr. Rodriguez, are those documents that are on the
15 defense table the documents?

16 THE DEFENDANT: No, no, they're not, your Honor.

17 THE COURT: Where are they?

18 THE DEFENDANT: They're -- would be back at the MCC.

19 THE COURT: I'm going to take a short recess and ask to
20 see if you folks can maybe work something out on this, and we'll
21 call the case again.

22 (Recess.)

23 MR. NIEWOEHNER: Your Honor, what we've tentatively
24 discussed is the government will make another set of the copies,
25 bring them up to the marshals as soon as I can make that happen.

1 I discussed with the marshals that they will make them available
2 to Mr. Rodriguez immediately. He will then be able to go to the
3 MCC with, I presume, whatever he got today as well as what he
4 had yesterday.

5 If your Honor is available tomorrow, I'm willing, I'll
6 hold off one more day. If your Honor isn't, then obviously we
7 can set it for whenever is convenient for your Honor.

8 THE COURT: Well, for you to make another set will take
9 maybe half an hour. That will provide Mr. Rodriguez
10 approximately an hour and a half to review the materials here.

11 That's an excellent suggestion. Let's do that.

12 I will ask the marshals, who do I need to communicate
13 with?

14 THE MARSHAL: Your Honor, I'll take care of it.

15 THE COURT: Okay. I appreciate that.

16 THE MARSHAL: Don't worry.

17 THE COURT: If you could mention to the marshal who was
18 here yesterday that perhaps he didn't understand what I was
19 trying to work out here, I'd appreciate it so that perhaps there
20 is no misunderstanding, but I appreciate the Marshals' Service's
21 assistance on this.

22 THE MARSHAL: Yes, sir.

23 THE COURT: Thank you.

24 Tomorrow. All right. What time tomorrow?

25 MR. NIEWOEHNER: Whatever time is convenient for your

1 Honor is --

2 THE COURT: Let me check with my clerk.

3 (Court conferring with his clerk.)

4 MR. VILLALOBOS: Judge --

5 THE COURT: What are your respective schedules?

6 MR. VILLALOBOS: -- my schedule -- the only -- I have a
7 lot of cases, but I could shift some of my other associates
8 to -- the only thing I need to attend is a pretrial at 8:30.
9 That should take no longer than a maximum of two hours. And so
10 I should -- I'm available, I will make myself available any time
11 after that.

12 THE COURT: All right. When Mr. Rodriguez is brought
13 back to the courthouse tomorrow, is it possible to allow him a
14 space to review papers tomorrow as well?

15 THE MARSHAL: Should be, your Honor. Again, we have
16 been very busy, but usually we can find some space, an extra
17 cell that we could put him in.

18 THE COURT: Okay. If for some reason you are unable to
19 find an extra cell, if it's all right with you folks, you could
20 actually bring him down to my holding cell --

21 THE MARSHAL: Okay.

22 THE COURT: -- and have him in my holding cell.

23 Let me just ask, within your policies, can you leave an
24 individual in a judge's holding cell without a marshal?

25 THE MARSHAL: No, no.

1 THE COURT: Well, then I don't want to waste the
2 marshals' time.

3 THE MARSHAL: We should be able to work something out,
4 your Honor.

5 THE COURT: But I do want to -- okay. Well, he'll be
6 brought in the morning --

7 THE MARSHAL: Yes, sir.

8 THE COURT: -- no matter what time I set?

9 THE MARSHAL: Yes, sir, yes, sir.

10 THE COURT: All right. So if you can work something
11 out, I'd appreciate it.

12 I'll change my schedule and make it at 1:30 to allow --
13 well, let's make it 2:00 o'clock to allow approximately 23 hours
14 and 40 minutes -- well, it will be 23 hours and -- probably just
15 23 hours for Mr. Rodriguez to review the materials once they're
16 delivered. So I'd appreciate the assistance.

17 THE MARSHAL: Yes.

18 THE COURT: Thank you very much. All right.

19 MR. NIEWOEHNER: Thank you, your Honor.

20 MR. VILLALOBOS: Thank you very much.

21 THE COURT: Make another copy.

22 MR. NIEWOEHNER: I'm keeping the copying people busy,
23 your Honor. That's fine.

24 THE COURT: Yes. Thank you. Tomorrow at 2:00 o'clock.
25 We'll see you tomorrow.

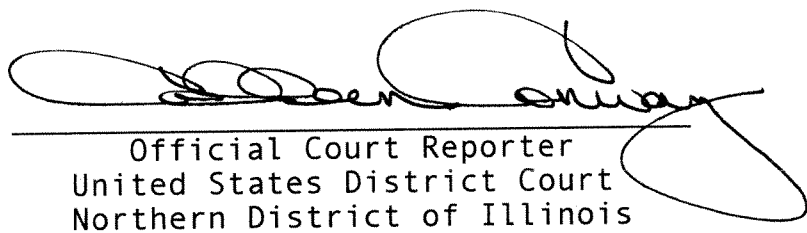
1 MR. VILLALOBOS: Thank you.

2 THE COURT: Thank you.

3 (Proceedings concluded.)

4
5 C E R T I F I C A T E

6
7 I, Colleen M. Conway, do hereby certify that the
8 foregoing is a complete, true, and accurate transcript of the
9 proceedings had in the above-entitled case before the Honorable
10 JAMES F. HOLDERMAN, one of the judges of said Court, at Chicago,
11 Illinois, on May 1, 2002.

12
13 
14 _____
15 Official Court Reporter
16 United States District Court
17 Northern District of Illinois
18 Eastern Division

19 6/6/02
20 Date
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